



IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF ARIZONA

IN RE: BARD IVC FILTER PRODUCTS  
LIABILITY LITIGATION  
No. MD-15-02641-PHX-DGC

SECOND AMENDED MASTER SHORT  
FORM COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS

Plaintiff named below, for her First Amended Short Form Complaint against Defendants  
named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.  
364). Plaintiff further shows the Court as follows:

1. Plaintiff:  
**Ruth Chavarri**
2. Plaintiff's spouse or other party making loss of consortium claim:  
**Widowed, N/A**
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):  
**N/A**
4. Plaintiff's state of residence at the time of implant:  
**Virginia**
5. Plaintiff's state of residence at the time of injury:  
**Virginia**
6. Plaintiff's current state of residence:  
**Virginia**
7. District Court and Division in which venue would be proper absent direct filing:  
**Eastern District of Virginia, Richmond Division**
8. Defendants (check Defendants against whom Complaint is made):

**X** C.R. Bard Inc.

**X** Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

**X** Diversity of Citizenship

Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

\_\_\_\_ Recovery® Vena Cava Filter

**X** G2® Vena Cava Filter

\_\_\_\_ G2® Express Vena Cava Filter

\_\_\_\_ Eclipse® Vena Cava Filter

\_\_\_\_ Meridian® Vena Cava Filter

\_\_\_\_ Denali® Vena Cava Filter

\_\_\_\_ Other:

11. Date of Implantation as to each product:

**April 25, 2006**

12. Counts in the Master Complaint brought by Plaintiff(s):

\_\_\_\_ Count I: Strict Products Liability - Manufacturing Defect

\_\_\_\_ Count II: Strict Products Liability - Information Defect (Failure  
Warn)

\_\_\_\_ Count III: Strict Products Liability - Design Defect

**X** Count IV: Negligence - Design

**X** Count V: Negligence - Manufacture

- ☒ Count VI: Negligence - Failure to Recall/Retrofit
- ☒ Count VII: Negligence - Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XII: Fraudulent Concealment
- ☐ Count XIV: Violations of Applicable Wisconsin Law Prohibiting  
Consumer Fraud and Unfair and Deceptive Trade  
Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): \_\_\_\_\_ (please state the facts  
Supporting this Count in the space immediately below)

13. Jury Trial Demanded for all issues so triable?

☒ Yes  
☐ No

**Dated: January 24, 2019**

Respectfully submitted,

/s/  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies the foregoing was filed with the Court on January 24, 2019 through the Court's CM/ECF system, which will serve all counsel of record.

Phelan Petty, PLC

/s/  
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*Counsel for Plaintiff*